

CHAPTER 155.

PROVIDING FOR THE BETTER SECURITY OF THE REVENUE.

H. F. 530. AN ACT entitled an Act for the Better Security of the Revenue, Regulating the Duties of County Treasurers, Boards of Supervisors and State Treasurer in relation to the same, and Amending Section 912, Chapter 3, Title VI. of the Code.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That section 912 of the Code be, and the same is amended, to read as follows:

Code, § 912,
amended.

Penalty for
loaning pub-
lic funds.
Except by or-
der of board
of supervis-
ors.

SECTION 912. County treasurers shall be liable to a like fine for loaning out, or in any manner using for private purposes, state, county or other funds in their hands, except that whenever permitted by the boards of supervisors of their respective counties, by resolution entered of record, they may deposit any such funds in any bank or banks chartered by the laws of the state, or any national or private banks in this state, to any amount not exceeding an amount to be fixed by such resolution;

Proviso:
Bank to re-
ceive deposit
shall file
bond.

Providing, That before any such deposit is made the bank in which it is proposed to make the same shall first file a bond with sureties to be approved by the treasurer and the board of supervisors in double the maximum amount permitted to be deposited as aforesaid, and conditioned to hold the treasurer making the deposits of the county harmless from all loss by reason of such deposit or deposits, said bond shall be filed with the county auditor, and action may be brought thereon either by said treasurer or the county, as the board of supervisors may elect. And the state treasurer shall be liable to a fine of not more than ten thousand dollars for a like misdemeanor, to be prosecuted by the attorney-general in the name of the state. But nothing done under the provisions of this act shall alter or affect the liability of the treasurer or the securities on his official bonds.

State treas-
urer.

Approved, March 25, 1878.

CHAPTER 156.

PROTECTION OF GAME.

H. F. 368. AN ACT to repeal Sections 4048, 4049, 4050 and 4051, Chapter 11, Title XXIV, of the Code, Chapter 69 of the Public Laws of the Fifteenth General Assembly, and Chapter 122 of the Laws of the Sixteenth General Assembly, in Relation to the Protection of Game, and to Enact a Substitute in lieu Thereof.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That sections 4048, 4049, 4050, and 4051 of the

Code, chapter 69, of the public laws of the fifteenth general assembly, and chapter 122, of the laws of the sixteenth general assembly be repealed and the following enacted in lieu thereof:

SEC. 2. It shall be unlawful for any person within this state to shoot or kill any pinnated grouse or prairie chicken between the first day of December, and the first day of September next following; any woodcock between the first day of January, and the tenth day of July; any ruffed grouse or pheasant, wild turkey or quail, between the first day of January, and the first day of October; any wild duck or snipe, goose or brant, between the first day of May, and the fifteenth day of August; or any wild deer, elk or fawn, between the first day of January, and the first day of September.

SEC. 3. It shall be unlawful for any person, at any time, or at any place within this state to shoot or kill for traffic any pinnated grouse or prairie chicken, snipe, woodcock, quail, ruffed grouse or pheasant; or for any one person to shoot or kill during any one day, more than twenty-five of either kind of said named birds; or for any one person, firm or corporation, to have more than twenty-five of either kind of said named birds in his or their possession at any one time, unless lawfully received for transportation; or to catch or take, or attempt to catch or take, with any trap, snare or net, any of the birds or animals named in section two (2) of this act, or in any manner wilfully to destroy the eggs or nests of any of the birds hereby intended to be protected from destruction.

SEC. 4. It shall be unlawful for any person to kill, trap or ensnare, any beaver, mink, otter, or muskrat, between the first day of April and the the first day of November, except where such killing, trapping, or snaring may be for the protection of private property.

SEC. 5. It shall be unlawful for any person, company or corporation, to buy or sell, or have in possession any of the birds or animals named in section two (2) of this act during the period when the killing of such bird or animal is prohibited by said section two (2) except during the first five days of such prohibited period: and the having in possession by any person, company, or corporation of any such birds or animals during such prohibited period except during the first five days thereof, shall be deemed *prima facie* evidence of a violation of this act.

SEC. 6. It shall be unlawful for any person, company or corporation at any time to ship, take, or carry out of this state any of the birds or animals named in section two (2) of this act; but it shall be lawful for any person to ship to any person within this state, any game birds, named in said section two (2) not to exceed one dozen in number in any one day, during the period, when by this act the killing of such birds is not prohibited: *Provided*, He shall first make an affidavit before some person authorized to administer oaths, that said birds have not been unlawfully killed, bought, sold or had in possession, are not being shipped for sale or profit, giving the name and post-office address of the person to whom shipped and the number of birds to be so shipped. A copy of such affidavit, endorsed, "A true copy of the

Repealed:
Code, §§ 4018,
4049, 4050, and
4051: Chapter
60, public acts
15th G. A.,
and Chapter
122, 16th G. A.
Killing of cer-
tain game at
certain sea-
sons punish-
ed.

Killing of cer-
tain game at
any time pun-
ished.

Trapping
beaver, &c.

Unlawful to
have in pos-
session cer-
tain birds at
certain sea-
sons.

Shipping of
birds out of
the State pro-
hibited.

original," by the person administering the oath, shall be furnished by him to the affiant, who shall deliver the same to the railroad agent or common carrier receiving such birds for transportation, and the same shall operate as a release to such carrier or agent from any liability in the shipment or carrying of such birds.

The original affidavit shall be retained by the officer taking the same, and may be used as evidence in any prosecution for violation of this act. Any person swearing falsely to any material fact of said affidavit, shall be guilty of perjury, and punished accordingly.

Penalty for violation of this act.

SEC. 7. If any person shall kill, trap, ensnare, buy, sell, ship, or have in possession, or ship, take, or carry out of the state, contrary to the provisions of this act, any of the birds or animals named in this act, or shall wilfully destroy any eggs or nests of birds named in this act, shall be punished by a fine of ten dollars for each bird, beaver, mink, otter or muskrat; twenty-five dollars for each wild deer, elk or fawn, and ten dollars for each nest or the eggs therein, so killed, trapped, ensnared, bought, sold, shipped, had in possession, destroyed or shipped, taken or carried out of the state, and shall stand committed to the county jail for thirty days unless such fine and costs of prosecution are sooner paid.

Penalty against rail-ways, &c., who shall transport.

SEC. 8. If any railway, express company, or other common carrier, or any of their agents or servants, knowingly receive any of the above mentioned birds or animals for transportation or other purpose, during the periods hereinbefore limited and prohibited, or at any other time except in the manner provided in section six (6) of this act, they shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment.

Penalty for using swivel gun or poison.

SEC. 9. If any person shall shoot or kill any wild duck, goose, or brant, with any swivel gun, or any kind of gun except such as is commonly shot from the shoulder; or shall use medicated or poisoned food to capture or kill any of the birds named in this act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined twenty-five dollars for each offense, and shall stand committed to the county jail for thirty days, unless such fine and the costs of prosecution are sooner paid.

Where prosecution may be brought.

SEC. 10. Prosecutions for violations of this act may be brought either in the county in which the offense was committed or in any other county where the person, company or corporation complained of has had or has in his or their possession any birds or animals herein named, bought, sold, killed, trapped or ensnared, in violation of any of the provisions of this act.

Court to appoint attorney to manage prosecution.

SEC. 11. In all prosecutions under this act the court before whom the same is brought shall appoint some attorney-at-law for the purpose of managing the prosecution of the case, and such attorney shall be entitled to a fee of ten dollars in each and every case in which he is so appointed, and the person filing an information under this act shall, in case of conviction, be entitled to a fee equal to one half of the amount of the fine imposed on each

Fee.

conviction, and both the fee of such attorney and the informant shall be taxed as costs in the case against the person convicted. Fee to informant.

Provided, That the county shall in no case be held liable for said attorney's fee or penalty.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 13. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published at Des Moines, Iowa. Publication.

Approved, March, 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 157.

VOTING AID IN CONSTRUCTION OF RAILROADS.

AN ACT Am: ndatory to Section 2, Chapter 123, of the Acts of the Sixteenth General Assembly, relating to Townships and Incorporated Towns and Cities, to aid in the construction of Railroads. H. F. 286.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. That section 2, chapter 123, of the acts of the sixteenth general assembly, be and the same is hereby amended by striking out the words "two-thirds" in the twenty-fifth line of said section and inserting in lieu thereof "a majority." § 2, chapter 123, 16th G. A. amended. A majority may vote aid.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force after its publication in the Council Bluffs Daily Nonpareil, and the Daily State Register, newspapers published in the state of Iowa. Publication.

Approved, March 25, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 27, and in the *Council Bluffs Daily Nonpareil*, March 28, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 158.

JAMES D. CARSON, J. P.

AN ACT to legalize the Official Acts of James D. Carson, as Justice of the Peace. H. F. 576.

WHEREAS, James D. Carson was duly qualified as a justice of Preamble.